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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,363	11/19/2003	Robert Fischer	071308.0487	7747
31625 7590 09/26/2007 BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			EXAMINER SAFAIPOUR, BOBBAK	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,363

Applicant(s)

FISCHER ET AL.

Examiner

Bobbak Safaipour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in response to Applicant's response filed on 7/9/2007. New claim 14 has been added. Claims 1-14 are now pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In the present application, Applicant essentially argues that O'Conner does not disclose putting the receiver in a quiescent mode and within the quiescent mode into a first receiving mode.

Examiner respectfully disagrees. O'Conner clearly discloses that the receiver receives first and second signals, each in different formats. Each signal is configured for the specific application of data transmission. ASK transmissions are favorable for situations where the transmitter and receiver are substantially stationary (read as quiescent mode). (paragraphs 10-31)

Applicant also argues that the wake-up signal in O'Conner is rather a switch signal which triggers the receiver to switch ~~to~~ from the ASK mode (first mode) into FSK mode (second mode). The recited claim language is given the broadest reasonable interpretation; therefore the "wake-up criterion" claimed in the Applicant's application maybe interpreted as the wake-up signal disclosed in O'Conner (see O'Conner, paragraphs 13-15, 33-35, and 39-40).

Furthermore, O'Conner discloses that the receiver in ASK mode operates *at a lower power* and is therefore the default receiver that is on when the receiver assembly is activated.

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The receiver will switch over to the FSK mode in response to a triggering event. *Preferably the triggering event is receipt of the wake up signal.* Each signal is preceded by the ASK wake up pattern that is sent before the FSK signal. The ASK wake up pattern alerts the receiver assembly to incoming FSK transmission, which causes the receiver assembly to switch over to the FSK mode. The switch between ASK and FSK modes provides use of a signal receiver for gathering data from several different motor vehicle systems using differing data signal formats.

(paragraphs 39-40)

As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 9-11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by **O'Conner et al (US 2002/0177406 A1)**.

Consider **claim 1**, O'Conner et al disclose a method for receiving first and further signals using a receiver, the first and further signals differing in at least one of the transmission parameters: data rate, modulation type, wake-up criterion, synchronization and threshold (paragraphs 9, 10 and 13; read as the receiver receives first and second signals each in different formats), comprising the steps of: a) in a first step in a quiescent mode (paragraphs 10, 31; read as substantially stationary) of the receiver, performing receiving and searching for a first wake-up criterion (abstract, figure 6, paragraphs 13, 14, 33-35, 40; read as wake up pattern) intermittently using a first preset adjustable configuration of transmission parameters tuned for receiving the first wake-up criterion with a first data rate and/or a first modulation type and/or a first threshold (figure 6, paragraphs 13, 14, 33-35, 40; read as receiver includes ASK and FSK mode wherein it can be used for both devices) b) when the first wake up criterion is not received or found (figure 2; paragraphs 15, 39-40; read as ASK alerts the receiver assembly to incoming FSK transmission) in said quiescent mode, switching the receiver to at least one further configuration different from said first preset adjustable configuration and tuned for receiving a second wake-up criterion and searching for the second wake-up criterion (figure 2, paragraphs 15, 39-40; read as causes the receiver assembly to switch to FSK mode), and c) if said first or second wake-up criterion has been received in step a) or b), switching the receiver into an active mode with a respectively selected configuration (paragraph 9).

Consider **claim 6**, O'Conner et al disclose a receiver for receiving first signals and further signals comprising a storage device for loading at least two different pre-definable receive configurations (paragraphs 9, 10 and 13; read as the receiver receives first and second signals

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each in different formats), wherein the receiver has a quiescent mode (paragraphs 10, 31; read as substantially stationary) in which it intermittently is turned on to receive and search for a first wake-up criterion (read as wake up pattern; abstract, figure 6, paragraphs 13, 14, 33-35, 40) using a first preset adjustable configuration of transmission parameters (read as receiver includes ASK and FSK mode wherein it can be used for both devices; abstract, figure 6, paragraphs 13, 14, 33-35, 40), and the receiver comprises a changeover switch in order to switch to at least one further second configuration different from said first configuration when the first wake-up criterion is not found, and to search for a second wake-up criterion (figure 2, paragraphs 15, 39-40; read as ASK alerts the receiver assembly to incoming transmission and causes the receiver assembly to switch to FSK mode), wherein the receiver is operable to switch into an active mode with said first or second configuration, respectively in case of a successful reception of said first or second wake-up criterion (paragraph 9).

Consider **claim 10**, Desai et al disclose a motor vehicle comprising: a receiver for receiving first signals and further signals comprising a storage device for loading at least two different pre-definable receive configurations (paragraphs 9, 10 and 13; read as the receiver receives first and second signals each in different formats), a first device coupled with said receiver (paragraph 25; read as tire pressure monitor system), a second device coupled with said receiver (paragraph 25; read as remote keyless entry system), wherein the receiver is operable to operate in a quiescent mode (paragraphs 10, 31; read as substantially stationary) in which it intermittently is turned on to receive and search for a first wake-up criterion (read as wake up pattern; abstract, figure 6, paragraphs 13, 14, 33-35, 40) using a first adjustable configuration of

transmission parameters (read as receiver includes ASK and FSK mode wherein it can be used for both devices; abstract, figure 6, paragraphs 13, 14, 33-35, 40), and wherein the receiver comprises a changeover switch in order to switch to at least a second preset adjustable configuration different from said first preset adjustable configuration when no signal is received and the first wake-up criterion is not found using said first preset adjustable configuration, and to search for a second wake-up criterion (figure 2, paragraphs 15, 39-40; read as ASK alerts the receiver assembly to incoming transmission and causes the receiver assembly to switch to FSK mode), wherein the receiver is operable to switch into an active mode with said first or second preset adjustable configuration, respectively in case of a successful reception of said first or second wake-up criterion (paragraph 9).

Consider **claim 2**, and as applies to **claim 1** above, O'Conner et al further disclose wherein when no signal is received and no wake-up criterion is found using at least one further configuration, the process starts again with step a) (figure 2, paragraphs 15, 39-40)

Consider **claim 3**, as applied to **claim 1**, O'Conner et al disclose that the first device is a remote keyless entry system and said second device is a tire pressure monitoring system (paragraph 25).

Consider **claim 4**, and as applies to **claim 1** above, O'Conner et al disclose that wherein on receiving successfully and finding a wake-up criterion by step a) or b), the receiver goes out

of the quiescent mode into an active mode using the configuration that was successful for the reception concerned. (paragraph 9)

Consider **claim 7**, and as applied to **claim 6** above, O'Conner et al disclose wherein the receiver has an active mode that the receiver goes into when reception is successful and a wake-up criterion has been found using the configuration that was successful for the reception concerned. (paragraph 9)

Consider **claim 9**, as applied to **claim to 6**, O'Conner et al disclose that a first device is a remote keyless entry system and a second device is a tire pressure monitoring system (paragraph 25).

Consider **claim 11**, and as applied to **claim 10** above, O'Conner et al disclose wherein the receiver has an active mode that the receiver goes into when reception is successful and a wake-up criterion has been found using the configuration that was successful for the reception concerned. (paragraph 9)

Consider **claim 13**, and as applied to **claim to 6**, O'Conner et al disclose that the first device is a remote keyless entry system and said second device is a tire pressure monitoring system (paragraph 25).

Consider **claim 14**, and as applied to claim 1 above, O'Conner et al disclose the claimed invention wherein during quiescent mode, the receiver is turned on in intervals for receiving said first or second wake-up criterion. (paragraphs 10 and 31-40)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Conner et al (US 2002/0177406 A1)** in further view of **Uber et al (US Patent #4,633,515)**.

Consider **claim 5**, and as applied to **claim 1** above, O'Conner et al disclose the claimed invention except for mentioning that receiving and detection of a wake up criterion must take place within a preset time.

In the same field of endeavor, Uber et al. disclose mentioning that receiving and detection of a wake up criterion must take place within a preset time. (figure 1; abstract; column 3 line 58 – column 4 line 4).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the timing scheme taught by Uber et al. into the system of O'Conner et al, such that when the communication device did not receive a wake up signal and can not detect any wake up criterion within a preset time, it switches to another mode and tries to receive the wake up signal and detect the wake up criterion, for the purpose of further reducing current draw.

Consider **claim 8**, and as applied to **claim 6** above, O'Conner et al disclose the claimed invention except for wherein the receiver has a time-control unit so that the switchover using the changeover switch occurs within a preset time at the latest.

In the same field of endeavor, Uber et al. disclose the receiver has a time-control unit so that the switchover using the changeover switch occurs within a preset time at the latest. (figure 1; abstract; column 3 line 58 – column 4 line 4).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the timing scheme taught by Uber et al. into the system of O'Conner et al, such that when the communication device did not receive a wake up signal and can not detect any wake up criterion within a preset time, it switches to another mode and tries to receive the wake up signal and detect the wake up criterion, for the purpose of further reducing current draw.

Consider **claim 12**, and as **applied to claim 10 above**, Rotzoll, as modified by Desai et al, disclose the claimed invention except for wherein the receiver has a time-control unit so that the switchover using the changeover switch occurs within a preset time at the latest.

In the same field of endeavor, Uber et al. disclose the receiver has a time-control unit so that the switchover using the changeover switch occurs within a preset time at the latest. (figure 1; abstract; column 3 line 58 – column 4 line 4).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the timing scheme taught by Uber et al. into the system of O'Conner et al, such that when the communication device did not receive a wake up signal and can not detect any wake up criterion within a preset time, it switches to another mode and tries to receive the wake up signal and detect the wake up criterion, for the purpose of further reducing current draw.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092.


The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lana Le can be reached on (571) 272-7891. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Bobbak Safaipour
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9-11-07
LANA LE
PRIMARY EXAMINER

September 10, 2007